

Message Text

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PAGE 01 STATE 049054
ORIGIN AF-08

INFO OCT-01 ISO-00 LAB-04 L-03 EB-08 /024 R

DRAFTED BY AF/I:LPSLEZAK/L/AF:MMATHESON

APPROVED BY AF/I:WHLEWIS

AF/S:FCRUMP

DEPT OF LABOR (ILAB):GHOLMES

-----060234 044164 /73

R 042326Z MAR 77

FM SECSTATE WASHDC

TO AMCONSUL JOHANNESBURG

INFO AMCONSUL CAPE TOWN

AMEMBASSY PRETORIA

AMCONSUL DURBAN

LIMITED OFFICIAL USE STATE 049054

CAPE TOWN FOR EMBASSY

E.O. 11652: N/A

TAGS: ELAB, PINDS, SF

SUBJECT: US LABOR PRACTICES WITH REGARD TO CRIMINALLY
CHARGED EMPLOYEES

REFERENCE: JOHANNESBURG 321

CAPE TOWN FOR EMBASSY

1. DEPT. OF LABOR BUREAU OF INTERNATIONAL AFFAIRS AFTER
CONSULTING BARTON S. WIDOM, DOL SOLICITOR'S OFFICE, STATES
THERE IS NO REPEAT NO US LAW ON THE SUBJECT AS RAISED
IN REFTEL. PRIVATE EMPLOYERS IN US ARE NEITHER REQUIRED
TO CONTINUE THE EMPLOYMENT NOR SUSPEND OR DISMISS ANY
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EMPLOYEE UNABLE TO PRESENT HIMSELF FOR WORK. IN GENERAL
TERMS, EMPLOYER HAS NO LEGAL OBLIGATION ONE WAY OR THE
OTHER TOWARD SUCH AN EMPLOYEE. HOWEVER, THE EMPLOYER
MAY AGREE TO CERTAIN BENEFITS OR CONSTRAINTS IN A
CONTRACT OR COLLECTIVE AGREEMENT (SUCH AS VACATION PAY,
SICK PAY, ETC.) WHICH AN EMPLOYEE MIGHT BE ENTITLED TO
EVEN WHILE UNDER DETENTION.

2. WE ARE UNABLE TO SAY WHAT PRACTICE OF US EMPLOYERS
WOULD BE IN CASE YOU DESCRIBE, SINCE DETENTION WITHOUT
CHARGE IS NOT POSSIBLE UNDER USLAW. WE BELIEVE US-OWNED

OR CONTROLLED COMPANIES SHOULD BE COUNSELED TO DO WHAT
THEY CAN TO MITIGATE HARDSHIPS ON EMPLOYEES AND THEIR
FAMILIES WHERE SUCH DETENTIONS OCCUR. WHILE WE DO NOT
HAVE SPECIFIC KNOWLEDGE OF WHAT OPTIONS COMPANIES WOULD
HAVE UNDER SA LAW, WE WOULD HAVE ASSUMED THAT EMPLOYER
WOULD NOT BE REQUIRED BY LAW TO DISCHARGE OR SUSPEND
EMPLOYEE, AND THAT PAY AND/OR FRINGE BENEFITS COULD
CONTINUE TO HIM OR HIS FAMILY.
CHRISTOPHER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR RELATIONS, CRIMES, ORGANIZATION & MANAGEMENT, FAIR EMPLOYMENT PRACTICES
Control Number: n/a
Copy: SINGLE
Sent Date: 04-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE049054
Document Source: CORE
Document Unique ID: 00
Drafter: LPSLEZAK/L/AF:MMATHESON
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770077-0245
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770390/aaaadbun.tel
Line Count: 76
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a0a4adbd-c288-dd11-92da-001cc4696bcc
Office: ORIGIN AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 JOHANNESBURG 321
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3201741
Secure: OPEN
Status: NATIVE
Subject: US LABOR PRACTICES WITH REGARD TO CRIMINALLY CHARGED EMPLOYEES
TAGS: ELAB, PINS, SF
To: JOHANNESBURG
Type: TE
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Review Markings:
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